

# Holland & Knight

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November 29, 2021

*Via ECF*

Honorable Edward S. Kiel  
United States Magistrate Judge for the District of  
New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark NJ 07101

Re: *Ameritas Life Ins. Corp. v. Wilmington Trust, N.A., as Securities Intermediary*, Civil  
Action No. 2:19-cv-18713

Dear Judge Kiel:

We write on behalf of Defendant Securities Intermediary to note that because (as noted in our November 22, 2021 letter to the Court) we understood the Court's text order at Dkt No. 85 to limit the conference scheduled for tomorrow in this matter to the dispute between Plaintiff and third-party Life Equity, we did not anticipate the Court addressing the Ameritas/Securities Intermediary discovery dispute at 10 a.m. tomorrow. However, based on our brief conversation this afternoon with Your Honor's chambers, we understand the Court may be in a position to address the discovery dispute during tomorrow's conference if time permits.

Due to the fact that lead counsel is currently travelling and undersigned local counsel has a conflicting obligation in another matter that cannot be rescheduled, Securities Intermediary respectfully requests that, should time permit the Court to reach issues beyond those referenced in the Dkt No. 85 text order, the Ameritas/Securities Intermediary discovery dispute be addressed at a later date.

Per the Court's direction, we have made counsel for Ameritas aware of our unavailability to argue the Ameritas/Securities Intermediary dispute tomorrow. Nevertheless, we request the Court

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schedule the pending discovery issues for hearing at the Court's earliest convenience. We are happy to discuss scheduling with the Court during tomorrow's hearing.

We are grateful for the Court's consideration of this request.

Sincerely yours,

HOLLAND & KNIGHT LLP

/s/ Katherine A. Skeele

Katherine A. Skeele

cc: Rebecca Canamero, Esq., *via* NYECF  
Jesus E. Cuza, Esq., *via* NYECF  
Robert Lesko, Esq., *via* NYECF